

**UNITED STATES DISTRICT COURT FOR
THE MIDDLE DISTRICT OF PENNSYLVANIA**

ARMONI JOHNSON,	:	
Plaintiff	:	CIVIL ACTION NO. 3:15-CV-1232
	:	(Judge Nealon)
v.	:	
	:	
SERGEANT MICHAEL ROSKOSCI,	:	
Defendant	:	
	:	

ORDER

AND NOW, THIS 2ND DAY OF SEPTEMBER, 2016, in accordance with the Memorandum issued this date, **IT IS HEREBY ORDERED THAT:**

1. Defendant's motion to dismiss, (Doc. 21), is **GRANTED IN PART AND DENIED IN PART**.
2. Defendant's motion is **GRANTED** to the extent it seeks dismissal of Plaintiff's illegal search and seizure claim under the Fourth Amendment. Plaintiff's Fourth Amendment claim is **DISMISSED with prejudice**.
3. Defendant's motion is **DENIED** to the extent it seeks dismissal of Plaintiff's free exercise claim under the First Amendment and harassment claim under the Eighth Amendment.
4. Plaintiff's retaliation claim under the First Amendment, Eighth Amendment harassment claim, and discrimination claim under the Fourteenth Amendment are **DISMISSED without prejudice** pursuant to the screening provision of 28 U.S.C. § 1915(e)(2)(B)(ii).
5. Plaintiff is permitted to file an amended complaint on or before **September 23, 2016**, that addresses the deficiencies described in the accompanying memorandum with respect to his First Amendment retaliation claim, Eighth Amendment harassment claim, and

Fourteenth Amendment discrimination claim. Absent such a filing, this section 1983 action will be proceed solely on Plaintiff's First Amendment free exercise claim.

6. The amended complaint, if any, shall be complete, in and of itself, without reference to any prior filings.
7. The amended complaint shall include any and all Defendants whom the Plaintiff wishes to name in this action.
8. The amended complaint must specifically state which constitutional right he alleges the Defendant(s) have violated.
9. In accordance with Federal Rule of Civil Procedure 8(a), Plaintiff's amended complaint shall set forth a short and plain statement of the grounds upon which the Court's jurisdiction depends.
10. In accordance with Federal Rule of Civil Procedure 8(d), each averment of Plaintiff's amended complaint shall be simple, concise, and direct.
11. Plaintiff's amended complaint shall contain a short and plain statement of the claim for relief and a demand for a specific judgment.
12. In accordance with Federal Rule of Civil Procedure 10(b), Plaintiff's amended complaint shall be divided into separate numbered paragraphs, the contents of each of which shall be limited, as far as practicable, to a statement of a single set of circumstances.
13. Plaintiff's January 19, 2011 filing, (Doc. 23), to the extent it is an attempt to amend his complaint, is construed as a motion to amend his complaint filed pursuant to Federal Rule of Civil Procedure 15(a)(2).
14. Plaintiff's motion to amend his complaint, (Doc. 23), is **DISMISSED** as **MOOT** because Plaintiff is hereby granted leave to file an amended complaint.

/s/ William J. Nealon
United States District Judge